

REMARKS

No claims have been amended or cancelled, and no new claims have been added. Claims 1-30 and 40-41 are pending.

Disclaimers Relating to Claim Interpretation and Prosecution History Estoppel

Any reference herein to “the invention” is intended to refer to the specific claim or claims being addressed herein. The claims of this application are intended to stand on their own and are not to be read in light of the prosecution history of any related or unrelated patent or patent application. Furthermore, no arguments in any prosecution history relate to any claim in this application, except for arguments specifically directed to the claim.

Claim Rejections - 35 USC § 103

The Examiner rejected claims 1-2, 4-6, 13-14, 16-18, 22-23, 25-27 and 40-41 under 35 USC § 103 as obvious from Gifford of record in view of Talati of record. This rejection is respectfully traversed.

Claims 1, 13, 22, 40 and 41 are independent. Claim 1 recites, among other features, “receiving a first message via e-mail from a user of a given client device at a remote location, whereby an inquiry-response transaction is initiated.” As explained in the response to Office action filed March 16, 2006, the Practitioner asserted that Gifford’s transaction, initiated via a buyer clicking on a hyperlink, does not teach or suggest the feature, “receiving a first message via e-mail from a user of a given client device at a remote location, whereby an inquiry-response transaction is initiated.”

In response, the Examiner asserted that “the term e-mail while common in usage does not have a particularly specific ordinary definition” and construed the term e-mail based on the Oxford Online dictionary. The Practitioner respectfully disagrees with the Examiner’s construction. The term e-mail, with certainty, has a specific meaning to one of ordinary skill in the art with regard to

general purpose computer devices and computer software. Microsoft Press, a division of Microsoft Corporation, the preeminent software business for the past two decades, publishes the Microsoft Computer Dictionary. Per Microsoft's Introduction (at page vii), the *Microsoft Computer Dictionary, Fifth Edition* is

designed to be a comprehensive and authoritative source of definitions for computer-related terms and abbreviations. The [Microsoft Computer] dictionary includes terms drawn from a wide variety of topics relevant to computer users, including software, hardware, networking, data storage, graphics, games, information processing, the Internet and the World Wide Web, gaming, history, jargon and slang, organizations, programming and standards

The term "e-mail", on page 190 of the *Microsoft Computer Dictionary, Fifth Edition*, is expressly defined as: "**n. 1.** Short for electronic **mail**. The exchange of text messages and computer files over a communications network, such as a local area network or the Internet, usually between computers or terminal. **2.** An electronic text message."

Notably, the term "hyperlink", on page 260-261 of the *Microsoft Computer Dictionary, Fifth Edition*, is expressly defined as:

n. A connection between an element in a hypertext document, such as a word, a phrase, a symbol, or an image, and a different element in the document, another document, a file, or a script. The user activates the link by clicking on the linked element, which is usually underlined or in a color different from the rest of the document to indicate that the element is linked. Hyperlinks are indicated in a hypertext document through tags in markup languages such as SGML and HTML. These tags are generally not visible to the user

A person having ordinary skill in the art of general purpose computer devices and computer software would necessarily construe the term hyperlink entirely incongruent to the term e-mail. Because activating a hyperlink does not teach or suggest initiating an inquiry-response transaction in response to receiving an e-mail, claim 1 is not obvious from Gifford in view of Talati.

Independent claims 13, 22, 40 and 41 each include a similar feature and are thereby patentable over Gifford in view of Talati. By virtue of their dependence from claim 1, claims 2 and 4-6 are patentable over Gifford in view of Talati. By virtue of their dependence from claim 13, claims 14 and 16-18 are patentable over Gifford in view of Talati. By virtue of their dependence from claim 22, claims 23 and 25-27 are patentable over Gifford in view of Talati. Therefore, it is respectfully requested that the rejection be withdrawn.

Claim Rejections - 35 USC § 103

The Examiner rejected claims 3, 15 and 24 under 35 USC § 103 as obvious from Gifford of record in view of Talati of record and further in view of the Specification at paragraph [0004]. This rejection is respectfully traversed.

By virtue of their respective dependence from claims 2, 14 and 23, claims 3, 15 and 24 are patentable over Gifford in view of Talati. Moreover, nothing in the Specification at paragraph [0004] discloses, teaches or suggests that “receiving a first message via e-mail from a user of a given client device at a remote location, whereby an inquiry-response transaction is initiated” was prior art. Therefore, claims 3, 15 and 24 are patentable over Gifford in view of Talati and further in view of the Specification at paragraph [0004]. Therefore, it is respectfully requested that the rejection be withdrawn.

Claim Rejections - 35 USC § 103

The Examiner rejected claims 7, 19 and 28 under 35 USC § 103 as obvious from Gifford of record in view of Talati of record and further in view of the Joseph et al. (US Pat. Pub. No. 2003/0028448). This rejection is respectfully traversed.

By virtue of their respective dependence from claims 1, 13 and 22, claims 7, 19 and 28 are patentable in view of Gifford and further in view of Talati. Nothing in Joseph discloses, teaches or suggests “receiving a first message via e-mail from a user of a given client device at a remote location, whereby an inquiry-response transaction is initiated.” Therefore, claims 7, 19 and 28 are

patentable in view of Gifford, further in view of Talati and further in view of Joseph. Therefore, it is respectfully requested that the rejection be withdrawn.

Claim Rejections - 35 USC § 103

The Examiner rejected claims 8-12, 20-21 and 29-30 under 35 USC § 103 as obvious from Gifford of record in view of Talati of record and further in view of the Schuster of record. This rejection is respectfully traversed.

By virtue of their respective ultimate dependence from claims 1, 13 and 22, claims 8-12, 20-21 and 29-30 are patentable over Gifford in view of Talati. Nothing in Schuster discloses, teaches or suggests "receiving a first message via e-mail from a user of a given client device at a remote location, whereby an inquiry-response transaction is initiated." Therefore, claims 8-12, 20-21 and 29-30 are patentable over Gifford in view of Talati and further in view of Schuster. Therefore, it is respectfully requested that the rejection be withdrawn.

Conclusion

It is submitted, however, that the independent and dependent claims include other significant and substantial recitations which are not disclosed in the cited references. Thus, the claims are also patentable for additional reasons. However, for economy the additional grounds for patentability are not set forth here.

In view of all of the above, it is respectfully submitted that the present application is now in condition for allowance. Reconsideration and reexamination are respectfully requested and allowance at an early date is solicited.

The Examiner is invited to call the undersigned attorney to answer any questions or to discuss steps necessary for placing the application in condition for allowance.

Appl. No. 09/920,481
Amdt. Dated 7/25/2006
Response to Office action dated 06/19/2006

Respectfully submitted,

Date: July 25, 2006

A handwritten signature in black ink, appearing to read "Joel G. Landau". The signature is fluid and cursive, with the first name "Joel" being more prominent.

Joel G. Landau, Reg. No. 54,732

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